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DE RUEHTU #0123/01 0491533
ZNR UUUUU ZZH
P 181533Z FEB 10
FM AMEMBASSY TUNIS
TO RUEHC/SECSTATE WASHDC PRIORITY 7304
INFO RUCNMGH/MAGHREB COLLECTIVE
RUEATRS/DEPT OF TREASURY WASHINGTON DC
RUEAWJA/DEPT OF JUSTICE WASHINGTON DC
RUEAHLA/DEPT OF HOMELAND SECURITY WASHINGTON DC

UNCLAS TUNIS 000123

SENSITIVE
SIPDIS

FOR G/TIP, G (LAURA PENA), INL, DRL, PRM, AND NEA/MAG, ALSO
FOR USAID

E.O. 12958: N/A
TAGS: [ELAB](#) [KTIP](#) [KCRM](#) [KFRD](#) [KWMN](#) [KMCA](#) [PHUM](#) [PREF](#) [SMIG](#)
ASEC, TS
SUBJECT: TUNISIA: INPUT FOR THE 2010 TRAFFICKING IN PERSONS
REPORT

REF: A. STATE 2094 (NOTAL)
[1](#)B. TUNIS 97 (NOTAL)
[1](#)C. 09 TUNIS 850 (NOTAL)
[1](#)D. 09 TUNIS 831 (NOTAL)
[1](#)E. 09 TUNIS 775 (NOTAL)
[1](#)F. 09 TUNIS 758 (NOTAL)
[1](#)G. 09 TUNIS 95 (NOTAL)

Sensitive but Unclassified. Please protect accordingly.

[1](#)1. (SBU) Summary: Neither the Tunis offices of the IOM, UNHCR, or UNICEF, nor any local or international NGOs working in Tunisia, identified any specific instances of trafficking during the reporting period. End summary.

[1](#)2. (SBU) This cable responds to questions posed by the Department in ref A. Embassy POC for TIP issues is Laura Byergo, (Tel) 216-71-107-306, (Fax) 216-71-107-053. Number of hours spent by rank: 2 hours FE-MC, 2 hours FE-OC, 43 hours FS-02.

[1](#)3. (SBU) Paragraphs below are keyed to questions posed in paragraphs 25-33 in ref A.

[1](#)4. The Country's TIP Situation (paragraph 25)

[1](#)A. Sources of Available Information on Trafficking in Persons: In researching the questions posed ref A, the Embassy consulted with other relevant organizations to compile this response, including DHS/ICE, the International Organization for Migration, UNICEF, the General Union of Tunisian Workers (UGTT), diplomatic missions in Tunis, and local and international press coverage of illegal immigration issues. The Embassy believes that the information from these sources is reliable, but continues to pursue direct, substantive dialogue with the GOT as the best means to obtain definitive information and influence policy on TIP. Per ref E, the GOT has named a point of contact for substantive discussions with the Embassy on TIP issues, but has not yet responded to requests to schedule a meeting.

[1](#)B. Tunisia has not been identified as a significant country of origin, transit, and/or destination for internationally trafficked people. Neither the Tunis offices of the IOM, UNHCR, or UNICEF, nor any local or international NGOs working in Tunisia, identified any specific instances of human trafficking during the reporting period. Non-governmental contacts report that there was no evidence of coercion, fraud, or use of force to induce migrations and no indication that these migrants are subject to involuntary servitude, peonage, or debt bondage in Tunisia. All contacts reported

individual migrants were seeking to migrate in Europe independently of any organized criminal or trafficking network. Tunisia's geographic location makes it attractive to illegal migrants, both Tunisian and foreign, attempting to reach Europe but the migrant flow is small compared to Morocco or Libya. Many Tunisian migrants prefer to go through Libya rather than depart from Tunisia. The GOT works hard to secure its borders for security reasons and therefore has the laws and resources in place to minimize illegal migration across its borders. Additionally, Tunisia's small, homogeneous, and educated population helps diminish the likelihood of trafficking and exploitation. Comprehensive government laws and policies focused on social justice and equality mean Tunisia is well prepared to combat the international phenomenon of trafficking in persons. Government officials are knowledgeable about the international problem, and the GOT has undertaken legal and practical steps to prevent its emergence in Tunisia and to coordinate with those fighting the problem in neighboring countries. There was no evidence of forced labor in Tunisia, and the GOT actively manages and supervises the labor market, including the market for domestic employees.

C-E. Not applicable (N/A).

15. (SBU) Setting the Scene for the Government's Anti-TIP Efforts
(paragraph 26)

1A. The GOT does not identify trafficking in persons as a problem in Tunisia. Although the GOT is serious about enforcing legislation designed to combat illegal migration and trafficking, Tunisia does not have a law specifically

prohibiting trafficking. Therefore, there were no investigations or arrests specifically designated as trafficking in 2009. However, there are a number of laws under which traffickers could be punished. The Government of Tunisia considers that crimes established in the Penal Code and other laws criminalizing slavery and forced and bonded labor bring Tunisia into compliance with the TIP protocol. Moreover, Tunisian authorities strongly believe and often reiterate that trafficking in persons is an insignificant phenomenon in Tunisia.

The Tunisian passport law (No 6/2004) was amended in 2004 to include punishments for anyone who "guides, arranges, facilitates, assists, acts as an intermediary, or organized the surreptitious entry or exit, even without remuneration, of an individual to or from Tunisia by land, sea or air." Violators face imprisonment for up to twenty years and a fine of 100,000 Tunisian dinars (approximately \$73,000) if the crime results in death. Traffickers could also be prosecuted under laws prohibiting slavery, bonded labor, and the misuse of boats. Slavery was banned in Tunisia in 1846, and in 1966 Tunisia ratified the 1926 League of Nations Slavery Convention and related UN protocols. Economic, sexual or criminal exploitation, as well as forced labor, prostitution, participation in armed conflict, displacement and any other form of servitude is illegal (see also paragraph 5B). The penal code stipulates that government employees be sentenced to life imprisonment for document forgery. In order to combat illegal migration by sea, marine laws were amended in 2004 (No. 3/2004 and No. 4/2004) to require all boats with motors larger than five horsepower to inform the National Guard of its route and passengers before leaving port, or face a fine of 1,000 Tunisian dinars (approximately \$730). All related international agreements also have the effect of codified law once ratified.

There were no investigations, prosecutions, convictions, or sentences for offenses that were explicitly defined as trafficking during the reporting period. There was an indication of possible trafficking although nothing has been proved. Kalima, a Tunisian on-line independent news magazine that is not always accurate, reported that, after a complaint by the regional delegate for child protection, the police in Gabes had opened an investigation on January 20, 2010 into

reports that a group of children had been sexually exploited by Libyan tourists.

Throughout the year illegal migrants from Tunisia and elsewhere were intercepted off Tunisia's coastline or landed in Tunisia. Most recently, on January 22, 2010 the French government announced that it was investigating a case of 124 illegal immigrants reached Corsica. The group included 38 children and several pregnant women. Some of the people claimed to be Kurds from Syria while others were from North Africa. The French authorities reportedly suspected that the boat transporting the immigrants came from North Africa, possibly Tunisia. There is no evidence that these migrants are being trafficked. Non-governmental contacts report that there was no evidence of coercion, fraud, or use of force to induce migration and no indication that migrants are subject to involuntary servitude, peonage, or debt bondage in Tunisia. All contacts reported individual migrants were seeking to migrate to Europe independently of any organized criminal migration or trafficking network.

1B. No government ministry has been specifically designated as the lead agency for trafficking. However, several ministries are involved with enforcing the network of laws that cover immigration and social welfare issues including the ministries of: Justice and Human Rights; Interior and Local Development; Social Affairs, Solidarity and Tunisians Abroad; and Women, Family, Children and Senior Citizen's Affairs. The government assigns a child protection delegate to each of Tunisia's districts to ensure that child sexual abuse victims receive adequate medical care and counseling. The GOT employs government workers, including social workers, to assist in shelters for abused women and children operated by the Tunisian National Women's Union. The GOT also uses Social Affairs attaches posted to Embassies in countries with large Tunisian expatriate communities to inform Tunisians of their rights.

1C. The GOT has adequate funding for its national security forces. Corruption is a problem but does not impact the competence of the security forces. The GOT faces more funding limitations in providing social services such as shelters.

1D. The GOT does not systematically monitor its anti-trafficking efforts because it has not identified trafficking as a significant problem.

1E. The GOT registers birth and deaths and has a national identity card. A citizen requests an identity card at age 18 that does not expire. The card has several security features including, photo, fingerprint, and barcode data. Security forces are allowed to stop people and ask for an identification card at any time. They can also confiscate a person's card. If someone does not have a card, he or she can be taken to the police station for questioning. The identification card is widely required to apply for government and legal services.

1F. The government is capable of gathering and analyzing statistics, however it does not publish statistics relevant to trafficking in persons.

16. (SBU) Investigations and Prosecutions of Traffickers (paragraph 27):

1A. Although the GOT is serious about enforcing legislation designed to combat illegal migration and trafficking, Tunisia does not have a law specifically prohibiting trafficking. Tunisia did not enact any laws specifically related to trafficking in persons in 2009.

1B. Sexual exploitation is addressed by the penal code and child protection laws. These laws do not specifically address trafficking, and penalties depend on the degree of exploitation or violation of the law. Government statistics on child welfare do not indicate how many were victims of

commercial sexual exploitation nor do they include the sentences for those convicted of involvement. The GOT has not yet published statistics related to child welfare for 2009 or for 2008. When the statistics are published by the Ministry of Social Affairs they cover demographic, health, and education trends. In a small number of Tunisian cities, prostitution is legally organized and supervised by the Ministry of Interior in confined areas. Otherwise, prostitution is illegal under articles 231 and 232 of the penal code, which includes punishments for prostitutes, clients, and intermediaries, and is strictly enforced. Prostitutes and their clients can be imprisoned from six months to five years and face fines of up to 500 Tunisian dinars (approximately \$370). Panders can get one to three years in prison. Enforcement and prosecution of prostitution laws is strict.

¶C. The Tunisian labor code is comprehensive and strictly enforced. Slavery, forced, and bonded labor are banned by the constitution, national laws, and international conventions. In April 2009 a Tunis court convicted a Tunisian woman to three years in prison for subjecting a seven year old girl to domestic servitude and physical abuse. The Ministry of Employment operates regional centers in each of Tunisia's 24 governorates, as well as 83 smaller offices, to assist job seekers in securing legitimate jobs and contracts. The Ministry of Social Affairs, Solidarity and Tunisians Abroad is responsible for investigating violations of the labor code, including reports of labor abuses, and conducts approximately 30,000 investigations annually. Tunisia is not a destination for labor migrants.

¶D. The maximum penalty for rape with the use of violence and/or threat with a weapon is death, which is also prescribed for rape of a child under ten, even without the use or threat of violence. In practice the death penalty has not been implemented since 1991. For all other rape cases (i.e., without consent of the victim) the penalty is life imprisonment. Tunisian law states that children under the age of 13 cannot consent to sexual relations. Those guilty of or intending to have sexual relations with a child over 13 and under 15 can be sentenced to six years. Those guilty of or intending to have sexual relations with a child over 15 and under 20 can be sentenced to five years.

¶E. The GOT did not prosecute any cases against human trafficking offenders during the reporting period.

¶F. GOT officials are knowledgeable about trafficking issues, but the GOT did not publicize or otherwise inform the Embassy of any specialized training for government officials in trafficking issues during the reporting period.

¶G. The GOT does cooperate with other countries to secure its borders, to prevent illegal migration, and to protect its citizens abroad. However, there were no reported cases of international cooperation specifically related to trafficking in persons in the reporting period. The Tunisian penal code allows for the punishment of individuals who commit crimes of debauchery outside of the country.

¶H. The GOT does not publish extradition figures.

I - J. There is no evidence of GOT involvement in or tolerance of trafficking on a local or institutional level.

¶K. There was no evidence that Tunisian peacekeepers deployed abroad engaged in or facilitated trafficking.

¶L. Sex tourism has not been identified as a problem in Tunisia and there were no reports in 2009 of any prosecutions of foreign pedophiles. However, Kalima, a Tunisian on-line independent news magazine that is not always accurate, reported that, after a complaint by the regional delegate for child protection, the police in Gabes had opened an investigation on January 20 2010 into reports that a group of children had been sexually exploited by Libyan tourists.

17. (SBU) Protection and Assistance to Victims (paragraph 28):

1A. Neither international organizations nor the government reported evidence of the presence of foreign or domestic trafficking organizations in Tunisia. As there was no evidence of trafficking, the government provided no dedicated support to organizations for services to trafficking victims or witnesses and there were no organizations specifically undertaking this effort.

1B. The GOT funds centers that provide limited shelter and assistance to children without parents, and operates juvenile reform centers. Two private NGOs operate women's shelters that could be utilized by trafficking victims. The government does not have victim care facilities. However, the GOT generally cooperates with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. There are several private charities and government-sponsored NGOs that offer assistance to illegal immigrants entering the country. UNHCR reported that none of the people it interviewed during 2009 provided any indications that they had been trafficked.

1C. As noted above, neither the Tunis offices of the IOM, UNHCR, or UNICEF, nor any local or international NGOs working in Tunisia, identified any specific instances of trafficking during the reporting period. The GOT does not identify trafficking victims and so does not provide services to them.

D-F. N/A

1G. None

H-J. The GOT does not proactively identify victims of trafficking among high-risk persons and therefore does not encourage victims to assist in the investigation and prosecution of trafficking per se.

1K. The GOT did not report that it had provided any specialized training for government officials in identifying trafficking victims. The Tunisian office responsible for assisting Tunisians abroad (ONAT), under the Ministry of Social Affairs, states on its website that it has the responsibility to assist Tunisian citizens abroad and intervene on their behalf with the host country authorities. It is responsible for collecting data on immigrants and their families remaining in Tunisia. However, it does not provide any public statistics on its assistance to Tunisians abroad. The Ministry of Social Affairs publishes demographic statistics but does not publish statistics on child labor or trafficking cases.

1L. N/A

1M. UNHCR, IOM, and UNICEF are present in Tunisia and report that the government is generally cooperative in assisting them in their work. Their offices in Tunisia are not aware of any trafficking victims.

18. (SBU) Prevention (paragraph 29):

1A. We are not aware of any such campaigns.

1B. We are not aware of any such specific monitoring.

1C. There is no specific interagency mechanism or task force established to deal with trafficking; however, the government works across agencies to handle illegal immigration issues and to control illegal labor, prostitution and other social issues.

1D. As the GOT has found no evidence of trafficking in persons it has not developed a national plan to deal with this issue.

E-F. The government did not report any actions or campaigns

to reduce demand for commercial sex or to reduce participation by its nationals in international sex tourism.

¶G. The government did not report any measures to ensure its nationals deployed as peacekeepers do not engage in or facilitate trafficking.

¶9. (SBU) Partnerships (paragraph 30):

¶A. No.

¶B. The GOT does not currently provide assistance to other countries to address TIP.

GRAY